

# HOUSE BILL REPORT

## HB 1608

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**As Reported by House Committee On:**  
Labor & Workforce Development

**Title:** An act relating to the marine employees' commission.

**Brief Description:** Concerning the marine employees' commission.

**Sponsors:** Representatives Appleton, Angel, Sells, Fitzgibbon, Seaquist, Ryu, Stanford and Hansen.

**Brief History:**

**Committee Activity:**

Labor & Workforce Development: 2/7/13, 2/13/13 [DP].

**Brief Summary of Bill**

- Maintains the Marine Employees' Commission within the Public Employment Relations Commission to hear certain disputes between labor and management arising out of the operation of the ferry system.

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### HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass. Signed by 9 members: Representatives Sells, Chair; Reykdal, Vice Chair; Manweller, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Green, Holy, Moeller, Ormsby and Short.

**Staff:** Alexa Silver (786-7190).

**Background:**

The Public Employment Relations Commission (PERC) administers and enforces most public sector collective bargaining laws in Washington. The PERC consists of three Commissioners appointed by the Governor with the consent of the Senate. Staff of the PERC issue decisions in representation, unfair labor practice, and unit clarification cases, and the Commissioners hear appeals from these decisions.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Until 2011 the Marine Employees' Commission (MEC) was a separate state agency that administered the Marine Employees' Collective Bargaining Act (MECBA). The MEC consists of three members appointed by the Governor with the consent of the Senate.

With the enactment of Second Engrossed Substitute Senate Bill 5742 in 2011, the MEC was moved to the PERC. During a transition period that will last until July 1, 2013, the MEC adjusts complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system. The MEC also acts in place of the PERC commissioners for appeals of decisions in representation, unfair labor practice, and unit clarification cases. Effective July 1, 2013, the MEC is eliminated, and all marine employee issues are handled by the PERC.

On June 30, 2013, additional provisions related to ferry employee grievances and disputes over the interpretation and application of collective bargaining agreements also expire. The statute that will expire permits a ferry employee collective bargaining agreement to provide procedures for grievances and disputes, including binding arbitration. If grievance procedures are not provided in a collective bargaining agreement, the statute requires ferry system employees to submit grievances to the MEC.

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**Summary of Bill:**

The MEC is retained within the PERC to: (1) adjust complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system; and (2) hear appeals of decisions in representation, unfair labor practice, and unit clarification cases.

In addition, the expiration date is deleted for the statute related to grievances and disputes. The law will continue to specify what a collective bargaining agreement may allow with respect to binding arbitration of grievances and disputes over the interpretation and application of the agreement.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) The MEC has a heightened sense of what marine employees go through. The MEC is dedicated to making sure things are fair on either side. It has been a struggle since the MEC was put into the PERC. The PERC is less familiar with maritime issues, which means they have to be educated on complex contracts that are unlike others. It takes time and money to reinvent the wheel. Grievances take longer to be heard due to the manner in which the PERC assigns cases. For 30 years there was relative peace and harmony, due in

part to the MEC representing the public, private, and maritime interests. No other organization in Olympia understands the relationship between ferry employees and management.

(Neutral) One case has been appealed to the MEC. A total of 84 cases were filed with the PERC, and 23 marine cases remain open. The marine cases are not processed more slowly than when the MEC was not a division of the PERC. Staff has attempted to schedule the cases as quickly as possible, but the representatives also have busy schedules.

(Opposed) None.

**Persons Testifying:** (In support) Representative Appleton, prime sponsor; Jay Ubelhart, Inlandboatmen's Union; Gregory Faust, Masters, Mates & Pilots Union; and Jeff Duncan, Marine Engineers Beneficial Association.

(Neutral) Charity Atchinson, Public Employment Relations Commission.

**Persons Signed In To Testify But Not Testifying:** None.